

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

BRIDGET A. MCKINSTRY
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SB# 200219

FOR COURT USE ONLY

TELEPHONE NO.: 415/421-3100

FAX NO.: 415/421-3150

E-MAIL ADDRESS: mckinstry@gkhs.com

ATTORNEY FOR (Name): DEFENDANT - PACIFIC GAS & ELECTRIC CO.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN MATEO

STREET ADDRESS: 400 COUNTY CENTER

MAILING ADDRESS:

CITY AND ZIP CODE: REDWOOD CITY, CA 94063

BRANCH NAME: SOUTHERN BRANCH - UNLIMITED CIVIL JURISDICTION

PLAINTIFF/ PETITIONER: NELIA DOMINGO

DEFENDANT/ RESPONDENT: PACIFIC GAS & ELECTRIC COMPANY

DEPOSITION SUBPOENA
FOR PRODUCTION OF BUSINESS RECORDS

CASE NUMBER:

17CIV00678

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone number of deponent, if known):

Custodian of Records For: CENTERS FOR MEDICARE AND MEDICAID SERVICES, REGION 9

75 HAWTHORNE STREET, # 408 SAN FRANCISCO, CA 94105

415/947-4251

1. YOU ARE ORDERED TO PRODUCE THE BUSINESS RECORDS described in item 3, as follows:

To (name of deposition officer): Quest Discovery Services

PH:(408) 441-7000 FX:(408) 441-7070

On (date): 10/13/17

At (time): 9:30 A.M.

Location (address): 981 Ridder Park Drive San Jose, CA 95131

Do not release the requested records to the deposition officer prior to the date and time stated above.

- a. ☒ by delivering a true, legible, and durable **copy** of the business records described in item 3, enclosed in a sealed inner wrapper with the title and number of the action, name of witness, and date of subpoena clearly written on it. The inner wrapper shall then be enclosed in an outer envelope or wrapper, sealed, and mailed to the deposition officer at the address in item 1.
- b. ☐ by delivering a true, legible, and durable **copy** of the business records described in item 3 to the deposition officer at the witness's address, on receipt of payment in cash or by check of the reasonable costs of preparing the copy, as determined under Evidence Code section 1563(b).
- c. ☐ by making the **original** business records described in item 3 available for inspection at your business address by the attorney's representative and permitting **copying** at your business address under reasonable conditions during normal business hours.
2. The records are to be produced by the date and time shown in item 1 (but not sooner than 20 days after the issuance of the deposition subpoena, or 15 days after service, whichever date is later). Reasonable costs of locating records, making them available or copying them, and postage, if any, are recoverable as set forth in Evidence Code section 1563(b). The records shall be accompanied by an affidavit of the custodian or other qualified witness pursuant to Evidence Code section 1561.
3. The records to be produced are described as follows (if electronically stored information is demanded, the form or forms in which each type of information is to be produced may be specified): RE: NELIA DOMINGO DOB:12/10/47 AKA: NELIA RESURRECION DOMINGO, NELIA ANTIKOLL ID #: 565-76-1728-A

☒ Continued on Attachment 3.

4. IF YOU HAVE BEEN SERVED WITH THIS SUBPOENA AS A CUSTODIAN OF CONSUMER OR EMPLOYEE RECORDS UNDER CODE OF CIVIL PROCEDURE SECTION 1985.3 OR 1985.6 AND A MOTION TO QUASH OR AN OBJECTION HAS BEEN SERVED ON YOU, A COURT ORDER OR AGREEMENT OF THE PARTIES, WITNESSES, AND CONSUMER OR EMPLOYEE AFFECTED MUST BE OBTAINED BEFORE YOU ARE REQUIRED TO PRODUCE CONSUMER OR EMPLOYEE RECORDS.

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF FIVE HUNDRED DOLLARS AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.

Date issued: 09/18/17

BRIDGET A. MCKINSTRY

(TYPE OR PRINT NAME)

/s/ BRIDGET A. MCKINSTRY

(SIGNATURE OF PERSON ISSUING SUBPOENA)

Attorney For DEFENDANT - PACIFIC GAS & ELECTRIC CO.

(TITLE)

(Proof of service on reverse)

Page 1 of 2

Attachment 3

File #: **SJS713156**

CENTERS FOR MEDICARE AND MEDICAID SERVICES, REGION 9

Pertaining To: **NELIA DOMINGO**
AKA: NELIA RESURRECION DOMINGO, NELIA ANTIKOLL
ID #: 565-76-1728-A

Date of Birth: **12/10/47**

**ALL RECORDS, INCLUDING ALL ELECTRONICALLY STORED INFORMATION,
RELATING TO INSURANCE, INCLUDING BUT NOT LIMITED TO INSURANCE
CLAIM INFORMATION, MEDICAL INSURANCE RECORDS, MEDICAL BILLS
PAID, MEDICAL RECORDS AND MEDICAL INSURANCE COVERAGE.**

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): BRIDGET A. MCKINSTRY SB# 200219 GORDON-CREED, KELLEY, HOLL & SUGERMAN, LLP 101 MONTGOMERY ST., STE. 2650 SAN FRANCISCO, CA 94104 TELEPHONE NO.: 415/421-3100 FAX NO. (Optional): 415/421-3150 E-MAIL ADDRESS (Optional): mckinstry@gkhs.com ATTORNEY FOR (Name): DEFENDANT - PACIFIC GAS & ELECTRIC CO.		FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN MATEO STREET ADDRESS: 400 COUNTY CENTER MAILING ADDRESS: CITY AND ZIP CODE: REDWOOD CITY, CA 94063 BRANCH NAME: SOUTHERN BRANCH - UNLIMITED CIVIL JURISDICTION		
PLAINTIFF/ PETITIONER: NELIA DOMINGO DEFENDANT/ RESPONDENT: PACIFIC GAS & ELECTRIC COMPANY		CASE NUMBER: 17CIV00678
NOTICE TO CONSUMER OR EMPLOYEE AND OBJECTION (Code Civ. Proc., §§ 1985.3, 1985.6)		

NOTICE TO CONSUMER OR EMPLOYEE

TO (name): **NELIA DOMINGO c/o KIMBERLY LEVY, ESQ.**

1. PLEASE TAKE NOTICE THAT REQUESTING PARTY (name): **PACIFIC GAS & ELECTRIC CO.**

SEEKS YOUR RECORDS FOR EXAMINATION by the parties to this action on (specify date): **10/13/17**

The records are described in the subpoena directed to **witness** (specify name and address of person or entity from whom records are sought): **Custodian of Records: CENTERS FOR MEDICARE AND MEDICAID SERVICES, REGION 9**

A copy of the subpoena is attached. **75 HAWTHORNE STREET, # 408 SAN FRANCISCO, CA 94105**

2. IF YOU OBJECT to the production of these records, YOU MUST DO ONE OF THE FOLLOWING BEFORE THE DATE SPECIFIED. IN ITEM a. OR b. BELOW:

- If you are a party to the above-entitled action, you must file a motion pursuant to Code of Civil Procedure section 1987.1 to quash or modify the subpoena and give notice of that motion to the **witness** and the **deposition officer** named in the subpoena at least five days before the date set for production of the records.
- If you are not a party to this action, you must serve on the **requesting party** and on the **witness**, before the date set for production of the records, a written objection that states the specific grounds on which production of such records should be prohibited. You may use the form below to object and state the grounds for your objection. You must complete the Proof of Service on the reverse side indicating whether you personally served or mailed the objection. The objection should **not** be filed with the court. **WARNING: IF YOUR OBJECTION IS NOT RECEIVED BEFORE THE DATE SPECIFIED IN ITEM 1, YOUR RECORDS MAY BE PRODUCED AND MAY BE AVAILABLE TO ALL PARTIES.**

3. YOU OR YOUR ATTORNEY MAY CONTACT THE UNDERSIGNED to determine whether an agreement can be reached in writing to cancel or limit the scope of the subpoena. If no such agreement is reached, and if you are not otherwise represented by an attorney in this action, YOU SHOULD CONSULT AN ATTORNEY TO ADVISE YOU OF YOUR RIGHTS OF PRIVACY.

Date: **09/18/17**

BRIDGET A. MCKINSTRY

(TYPE OR PRINT NAME)



/S/ **BRIDGET A. MCKINSTRY**

(SIGNATURE OF ☐ REQUESTING PARTY ☒ ATTORNEY)

OBJECTION BY NON-PARTY TO PRODUCTION OF RECORDS

- ☐ I object to the production of all of my records specified in the subpoena.
- ☐ I object only to the production of the following specified records:

3. The specific grounds for my objection are as follows:

Date:



(TYPE OR PRINT NAME)

(SIGNATURE)

(Proof of service on reverse)

PLAINTIFF/PETITIONER: NELIA DOMINGO	CASE NUMBER: 17CIV00678
DEFENDANT/RESPONDENT: PACIFIC GAS & ELECTRIC COMPANY	

PROOF OF SERVICE OF NOTICE TO CONSUMER OR EMPLOYEE AND OBJECTION
(Code Civ. Proc., §§ 1985.3, 1985.6)

☐ Personal Service ☒ Mail

- At the time of service I was at least 18 years of age and **not a party to this legal action.**
 - I served a copy of the *Notice to Consumer or Employee and Objection* as follows (check either a or b):
 - ☐ **Personal service.** I personally delivered the *Notice to Consumer or Employee and Objection* as follows:
 - Name of person served:
 - Address where served:
 - Date served:
 - Time served:
 - ☒ **Mail.** I deposited the *Notice to Consumer or Employee and Objection* in the United States mail, in a sealed envelope with postage fully prepaid. The envelope was addressed as follows:
 - Name of person served: **KIMBERLY LEVY, ESQ.**
 - Address: **411 BOREL AVENUE SUITE 500
SAN MATEO, CA 94402**
 - Date of mailing: **09/18/17**
 - Place of mailing (city and state): **SAN JOSE, CA**
 - (5) I am a resident of or employed in the county where the *Notice to Consumer or Employee and Objection* was mailed.
 - My residence or business address is (specify): **Business: 981 Ridder Park Drive San Jose, CA 95131**
 - My phone number is (specify): **Business: (408) 441-7000**
- I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
Date: **09/18/17**

Kassandruh Waterbury

(TYPE OR PRINT NAME OF PERSON WHO SERVED)


(SIGNATURE OF PERSON WHO SERVED)

PROOF OF SERVICE OF OBJECTION TO PRODUCTION OF RECORDS

(Code Civ. Proc., §§ 1985.3, 1985.6)

☐ Personal Service ☐ Mail

- At the time of service I was at least 18 years of age and **not a party to this legal action.**
- I served a copy of the *Objection to Production of Records* as follows (complete either a or b):
 - ON THE REQUESTING PARTY**
 - ☐ **Personal service.** I personally delivered the *Objection to Production of Records* as follows:
 - Name of person served:
 - Address where served:
 - Date served:
 - Time served:
 - ☐ **Mail.** I deposited the *Objection to Production of Records* in the United States mail, in a sealed envelope with postage fully prepaid. The envelope was addressed as follows:
 - Name of person served:
 - Address:
 - Date of mailing:
 - Place of mailing (city and state):
 - (v) I am a resident of or employed in the county where the *Objection to Production of Records* was mailed.
 - ON THE WITNESS**
 - ☐ **Personal service.** I personally delivered the *Objection to Production of Records* as follows:
 - Name of person served:
 - Address where served:
 - Date served:
 - Time served:
 - ☐ **Mail.** I deposited the *Objection to Production of Records* in the United States mail, in a sealed envelope with postage fully prepaid. The envelope was addressed as follows:
 - Name of person served:
 - Address:
 - Date of mailing:
 - Place of mailing (city and state):
 - (v) I am a resident of or employed in the county where the *Objection to Production of Records* was mailed.
 - My residence or business address is (specify):
 - My phone number is (specify):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
Date:

(TYPE OR PRINT NAME OF PERSON WHO SERVED)

(SIGNATURE OF PERSON WHO SERVED)

AFFIDAVIT

(Pursuant to California Evidence Code 1561 & 1271)

Check #

File # SJS713156

READ, SIGN, DATE, ATTACH TO YOUR RECORDS, AND SUBMIT TO DEPOSITION OFFICER:

QUEST DISCOVERY SERVICES

981 Ridder Park Drive

San Jose, CA 95131

(408) 441-7000 (800) 800-6800

Title of Case: **NELIA DOMINGO VS. PACIFIC GAS & ELECTRIC COMPANY**
Attorney for DEFENDANT: **GORDON-CREED, KELLEY, HOLL & SUGERMAN, LLP**
Attorney for PLAINTIFF: **GALINE, FRYE & FITTING**

DATE OF DEPOSITION: **Friday October 13, 2017**
RECORDS PERTAINING TO: **NELIA DOMINGO DOB:12/10/47**
AKA: NELIA RESURRECION DOMINGO, NELIA ANTIKOLL
ID #: 565-76-1728-A

I, THE UNDERSIGNED, BEING THE DULY AUTHORIZED CUSTODIAN OF THE RECORDS AND HAVING THE AUTHORITY TO CERTIFY THE RECORDS DECLARE THE FOLLOWING: THE ATTACHED ARE THE RECORDS OF CENTERS FOR MEDICARE AND AND THAT THESE RECORDS ARE KEPT IN THE REGULAR COURSE OF BUSINESS AND SUCH BUSINESS IS A TYPE OF BUSINESS IN WHICH IT IS CUSTOMARY TO KEEP SUCH RECORDS; THE RECORDS WERE PREPARED BY PERSONNEL OF THE BUSINESS WITH ACTUAL KNOWLEDGE OF THE MATTERS STATED IN THE RECORDS AND THAT THE ENTRIES CONTAINED IN THE ATTACHED RECORDS WERE MADE AT OR NEAR THE TIME OF THE ACTS, CONDITIONS OR EVENTS DESCRIBED.

TRUE COPIES

☐ Pursuant to Evidence Code Section 1560(b) the attached copy is a true, legible and durable copy of the records described in the Subpoena.

ORIGINAL RECORDS

☐ Pursuant to Evidence Code Section 1560(e) the original records described in the Subpoena were delivered to the attorney or the attorney's representative for copying at the witness' place of business.

CERTIFICATION OF NO RECORDS

☐ That a thorough search of our files revealed no documents, records or other materials called for in the Subpoena and that no such records exist with the information provided. (Please give a detailed explanation.) _____

☐ Requested records existed at one time but have since been purged.

☐ Records do not exist for the time frame specified.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT.

SIGNATURE _____

PRINTED NAME _____

TITLE _____ PHONE # _____

Executed on _____ at _____

IN
REPLY
PLEASE
REFER
TO
CENTERS FOR MEDICARE AND
MEDICAID SERVICES, REGION 9
75 HAWTHORNE STREET, # 408
SAN FRANCISCO, CA 94105

AFFIDAVIT OF PROFESSIONAL PHOTOCOPIER SECTION 22462 of Business and Professions Code.

I solemnly affirm that I am the attorney's representative and that I made true copies of all the original records delivered to me by the Custodian of Records of the within named location, and these records will be distributed to the authorized persons or entities.

Executed on _____

At _____

Signature _____



AFFIDAVIT